



1994

Maryland: Recent / Pending Legislation

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Recommended Citation

Oliveri, John M. (1994) "Maryland: Recent / Pending Legislation," *University of Baltimore Law Forum*: Vol. 24 : No. 3 , Article 18.
Available at: <http://scholarworks.law.ubalt.edu/lf/vol24/iss3/18>

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MARYLAND LEGISLATION

** Unless otherwise indicated, changes in the law are only proposed changes. The cited changes were passed by the Maryland General Assembly but have not been signed into law by Governor William D. Schaefer as of the date of this publication.*

●

BUSINESS AND CORPORATIONS

Proposed law clarifies that limited liability companies and limited partnerships are required to file with the Department of Assessments and Taxation an affirmation form every five years, which indicates that they are actively employed in the business for which they were formed. The law would also prohibit the use of a limited partnership name which is the same or misleadingly similar to a limited liability company. See H.R. 488, 408th Legis., 1st Sess. (1994).

New law would change the procedure in which a stockholder can give his authorization to another in order that the latter can act as a proxy on the former's behalf. A photocopy, facsimile, or other reliable reproduction would be an acceptable substitute for the original writing or transmission. Furthermore, the proposed law declares that proxies are revocable unless the proxy states otherwise and it is coupled with an interest. See H.R. 772, 408th Legis., 1st Sess. (1994).

New law institutes labeling requirements for containers used to collect money in public places for charitable purposes. It further requires that the contract between professional solicitors and charitable organizations contain the names and addresses of the parties. See S. 134, 408th Legis., 1st Sess. (1994) [SIGNED].

COMMERCIAL LAW

Proposed law enacts the Maryland Uniform Commercial Code on Leases and establishes requirements regarding the formation and construction of lease contracts. See S. 147, 408th Legis., 1st Sess. (1994) and H.R. 170, 408th Legis., 1st Sess. (1994).

●

CRIMINAL LAW

Proposed law amends current law so that a person who purposefully possesses, passes, utters, makes, or manufactures a false, forged, or altered prescription for a controlled dangerous substance or controlled paraphernalia, or who acquires or attempts to gain the administration of a controlled dangerous substance by forgery or alteration is guilty of a felony that is punishable by a maximum 10-year imprisonment, \$25,000 fine, or both. See H.R. 262, 408th Legis., 1st Sess. (1994).

New law makes it a felony for a person to transport, carry, or bring into the State or solicit a minor to enter the State for the purpose of committing a felony that is defined in any provision relating to controlled dangerous substance offenses, and further imposes a penalty of a fine and/or twenty year imprisonment for said violation. See S. 51, 408th Legis., 1st Sess. (1994) [SIGNED].

Proposed law would make a murder committed during the act of carjacking or attempt thereof, a murder in the first degree. See H.R. 139, 408th Legis., 1st Sess. (1994).

Proposed law authorizes automatic revocation of parole for parolees who are charged with crimes of violence, and creates a Task Force of Parole Violators. See S. 353, 408th Legis., 1st Sess. (1994).

●
FAMILY LAW

New law requires courts to issue a default judgment adjudicating paternity under specified circumstances, and establishes a rebuttable presumption of paternity. See S. 312, 408th Legis., 1st Sess. (1994) [SIGNED].

Proposed law would permit a court to award costs and counsel fees in proceedings to enforce a decree of custody or visitation. See H.R. 1258, 408th Legis., 1st Sess. (1994).

●
INSURANCE

New law repeals the requirement that all automobile liability or physical damage insurers be members of the Nationwide Intercompany Arbitration Agreement, but it does require that all insurers authorized to do business in the State arbitrate and settle all claims for property damage in accordance with the Automobile Subrogation Program or any other approved intercompany arbitration program. See S. 202, 408th Legis., 1st Sess. (1994) [SIGNED].

Proposed law would require an insurer or nonprofit health service plan to provide coverage to an individual under a policy or certificate regardless of the health of the individual, and further prohibits the above mentioned from excluding coverage for a medical condition of a person under specified circumstances. See S. 148, 408th Legis., 1st Sess. (1994).

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LABOR AND EMPLOYMENT

Proposed law limits surcharge that an employer would have to pay until January 1, 1995. Surcharge would be limited to 1.7% of an employer's basic rate of contribution to the Unemployment Insurance Fund. See S. 184, 408th Legis., 1st Sess. (1994).

New law states that the termination date for changes to benefit structure for permanent partial

disability can be delayed in order to exempt loss of the finger, thumb, and great toe from a defined lower tier of benefits. See S. 378, 408th Legis., 1st Sess. (1994) [SIGNED].

●
REAL PROPERTY

New law requires an intake sheet to be submitted with deeds and other instruments when presenting documents to the clerk of the circuit court for recordation in the land records. See H.R. 918, 408th Legis., 1st Sess. (1994) [SIGNED].

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BILLS SIGNED INTO LAW**

<u>BILL</u>	<u>TITLE</u>
Senate Bill 340	Admissibility of Child Victim's Out of Court Statement
Senate Bill 476	Jury Selection - Inspection of Records
Senate Bill 300	Declaration of Rights - Victim's Rights
House Bill 635	New Name for Court of Appeals
House Bill 498	Death Penalty - Method of Execution
House Bill 580	Consecutive Sentencing
House Bill 710	Public Defender's Representation in Termination of Parental Rights Proceedings
House Bill 1361	Sibling Visitation Rights

- John M. Oliveri

SOURCE: Maryland General Assembly, Department of Legislative Reference, Status Report and WESTLAW Bill-tracking.

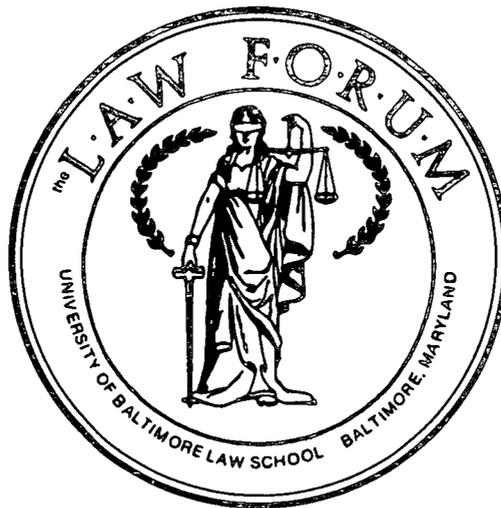
** These selected bills were cited in Volume 24.2 and have been signed into law since its publication. The remainder of the cited bills are expected to be signed into law by May 26, 1994.

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Address.....
City.....State..... Zip.....
Employer / Position.....
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City.....State..... Zip.....
Business Phone Fax Number.....
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Tuesday, May 17, 1994, 8:00 a.m.: *Criminal Law Update*
Byron L. Warnken, J.D. '77
Associate Professor, University of Baltimore School of Law

*The seminars will be held at Poe's Publick House
University of Baltimore School of Law.
For additional information or to make a reservation, please call 837-6131.*

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